

Subsec. (d)(3)(B). Pub. L. 104-106, § 1021(d)(2)(B), added subpar. (B) and struck out former subpar. (B) which read as follows: “funds were provided to the State pursuant to such plan.”

Subsec. (e)(1). Pub. L. 104-106, § 1021(h)(1), substituted “sections 12011 and 12012” for “sections 517 and 524”.

Subsec. (e)(2). Pub. L. 104-106, § 1021(h)(2), substituted “the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives” for “the Committees on Armed Services of the Senate and House of Representatives”.

Subsec. (f). Pub. L. 104-106, § 1021(f), added subsec. (f). Former subsec. (f) redesignated (h).

Subsec. (g). Pub. L. 104-106, § 1021(b)(2), redesignated subsec. (d) as (g) and transferred it to appear before subsec. (h), as redesignated.

Subsec. (h). Pub. L. 104-106, § 1021(b)(1), redesignated subsec. (f) as (h).

Subsec. (h)(1). Pub. L. 104-106, § 1021(g), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “The term ‘counter-drug activities’ includes the use of National Guard personnel, while not in Federal service, in any law enforcement activities authorized by State and local law and requested by the Governor.”

1992—Subsec. (e)(1). Pub. L. 102-396 inserted “(or during fiscal year 1993 otherwise implementing)” after “administering”.

1991—Subsec. (c)(2). Pub. L. 102-25 substituted “in consultation with the Director of National Drug Control Policy,” for “in consultation with—

“(A) the Attorney General of the United States in the case of a plan submitted for fiscal year 1990; and

“(B) the Director of National Drug Control Policy in the case of a plan submitted for subsequent fiscal years.”

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

§ 113. Federal financial assistance for support of additional duties assigned to the Army National Guard

(a) **AUTHORITY.**—The Secretary of the Army may provide financial assistance to a State to support activities carried out by the Army National Guard of the State in the performance of duties that the Secretary has assigned, with the consent of the Chief of the National Guard Bureau, to the Army National Guard of the State. The Secretary shall determine the amount of the assistance that is appropriate for the purpose.

(b) **COVERED ACTIVITIES.**—(1) Except as provided in paragraph (2), financial assistance may be provided for the performance of an activity by the Army National Guard under subsection (a) only if—

(A) the activity is carried out in the performance of a responsibility of the Secretary of the Army under paragraph (6), (10), or (11) of section 3013(b) of title 10; and

(B) the Army National Guard was selected to perform the activity under competitive procedures that permit all qualified public-sector and private-sector sources to submit offers and be considered for selection to perform the activity on the basis of the offers, subject to the exceptions provided in section 2304(c) of title 10.

(2) Paragraph (1)(B) does not apply to an activity that, on October 17, 1998, was performed for

the Federal Government by employees of the Federal Government or employees of a State.

(c) **DISBURSEMENT THROUGH NATIONAL GUARD BUREAU.**—The Secretary of the Army shall disburse any contribution under this section through the Chief of the National Guard Bureau.

(d) **AVAILABILITY OF FUNDS.**—Funds appropriated for the Army for a fiscal year are available for providing financial assistance under this section in support of activities carried out by the Army National Guard during that fiscal year.

(Added Pub. L. 105-85, div. A, title III, § 386(a), Nov. 18, 1997, 111 Stat. 1712; amended Pub. L. 105-261, div. A, title III, § 375(a), Oct. 17, 1998, 112 Stat. 1992; Pub. L. 106-65, div. A, title X, § 1066(d)(4), Oct. 5, 1999, 113 Stat. 773; Pub. L. 108-375, div. A, title VIII, § 806, Oct. 28, 2004, 118 Stat. 2010.)

AMENDMENTS

2004—Subsec. (b)(1)(B). Pub. L. 108-375 inserted before period at end “, subject to the exceptions provided in section 2304(c) of title 10”.

1999—Subsec. (b)(2). Pub. L. 106-65 substituted “October 17, 1998” for “the date of the enactment of this subsection”.

1998—Subsec. (b). Pub. L. 105-261 amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows: “Activities supported under this section may include only those activities that are carried out by the Army National Guard in the performance of responsibilities of the Secretary of the Army under paragraphs (6), (10), and (11) of section 3013(b) of title 10.”

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-261, div. A, title III, § 375(b), Oct. 17, 1998, 112 Stat. 1993, provided that: “Subsection (b)(1)(B) of section 113 of title 32, United States Code (as added by subsection (a) of this section), does not apply to—

“(1) financial assistance provided under that section before October 1, 1998; or

“(2) financial assistance for an activity that, before May 9, 1998, the Secretary of the Army identified in writing as being under consideration for supporting with financial assistance under that section.”

§ 114. Funeral honors functions at funerals for veterans

Subject to such regulations and restrictions as may be prescribed by the Secretary concerned, the performance of funeral honors functions by members of the National Guard at funerals for veterans of the armed forces may be treated by the Secretary concerned as a Federal function for which appropriated funds may be used. Any such performance of funeral honors functions at such a funeral may not be considered to be a period of drill or training, but may be performed as funeral honors duty under section 115 of this title.

(Added Pub. L. 105-85, div. A, title V, § 517(a)(1), Nov. 18, 1997, 111 Stat. 1733; amended Pub. L. 105-261, div. A, title V, § 567(d), Oct. 17, 1998, 112 Stat. 2031; Pub. L. 106-65, div. A, title V, § 578(g)(1), (k)(3)(A), Oct. 5, 1999, 113 Stat. 627, 631.)

AMENDMENTS

1999—Pub. L. 106-65, in section catchline, substituted “Funeral honors” for “Honor guard” and, in text, substituted “funeral honors functions” for “honor guard